

REMARKS/ARGUMENTS

35 USC § 112, first paragraph

Claims 35-51 were rejected under 35 USC § 112, first paragraph, as not being enabling for failing to recite the presence of expanded graphite in the treatment mixture. The applicant disagrees. Nevertheless, claim 35 was amended to positively *include the presence of expanded graphite*. Moreover, claim 35 was also amended to *limit the pollutant to a chemical pollutant*.

35 USC § 112, second paragraph

Claims 35-51 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to positively recite formation of the mixture from the intermediate. Once more, the applicant disagrees. Nevertheless, claim 35 was amended to positively *include a step of forming the mixture from the intermediate*. Furthermore, the term *"using"* was *deleted* from the claim and replaced by *"contacting the carbonaceous material with the pollutant"* to thereby remove the pollutant" to even more clearly point out the claimed subject matter.

35 USC § 102(d)

Claims 35-51 were rejected under 35 USC § 102(d) as being anticipated by the '840 patent. With respect to the filing dates of the present application and the '840 reference, the applicant agrees. However, the applicant disagrees with respect to the Examiner's position that each and every element is present in the cited patent.


Specifically, claim 35 as amended herein expressly require a "...mixture that comprises carbon nanotubes and expanded graphite" and further recite that "...the carbon nanotubes further comprise at least one of a C1, C2, C3, C4, and C5 radical..." These elements are clearly neither taught nor suggested by the '840 reference. Consequently, claims 35-51 are not anticipated.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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